



**RECORDING  
ACADEMY™**

**Before the  
UNITED STATES  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.**

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In the Matter of )

Microsoft Petition for Rulemaking Seeking )  
Amendment of Part 15 of the Commission's Rules )  
for Unlicensed Operations in the Television Bands, )  
Repurposed 600 MHz Guard Bands and Duplex )  
Gap, and Channel 37 )

ET Docket No. 14-165

Submitted June 25, 2019

**REPLY COMMENTS OF THE RECORDING ACADEMY**

**I. Introduction**

The Recording Academy is pleased to submit the following reply comments in response to the Microsoft Corporation's petition for rulemaking filed to the Federal Communications Commission on May 3, 2019.<sup>1</sup> The Recording Academy represents more than 20,000 individual music creators and professionals—songwriters, performers, studio professionals, and others creatively involved in making music. The membership includes a Producers & Engineers Wing that advises the Academy on technical matters related to the art and craft of recorded music and other matters of concern to producers, engineers, mixers, manufacturers, technologists, and related professionals.

In October 2017, the Academy submitted comments in support of the Commission's proposed rulemaking to expand part 74 LPAS rules to accommodate venues and professional

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<sup>1</sup> Petition for Rulemaking of Microsoft Corporation, filed in ET Docket No. 14-165 on May 3, 2019.

sound companies that routinely use less than 50 wireless microphones.<sup>2</sup> During this process, the Academy engaged with stakeholders, including Microsoft, on workable solutions to maximize efficient usage of shared White Space. The Academy remains hopeful that the Commission will adopt this proposed rule in the near future incorporating recommendations from the music and performing arts communities. But until the FNPRM is finalized, the Academy would like to state its concerns about Microsoft's petition.

Specifically:

- Lack of protection for unlicensed wireless microphones.
- Urban and non-rural deployment of IoT devices.
- The inoperability of White Space database.

The Commission should address these concerns prior to initiating any rulemaking proceeding related to the Microsoft petition.

## **II. Recording Academy Concerns**

The Recording Academy supports private and public efforts to expand broadband connectivity and bridge the rural divide. The modern music ecosystem is dependent on reliable, fast and affordable internet access that allow innovative digital music platforms and connected devices to thrive. However, the Recording Academy is concerned that Microsoft's petition will lead to interference to wireless microphones and other wireless devices used routinely in live performances across the country.<sup>3</sup> Under the petition, protections for wireless microphone users would align with existing regulations and thus would only be of benefit to existing Part 74

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<sup>2</sup> See Comments of Recording Academy in ET Docket No. 14-165 dated October 2, 2017.

<sup>3</sup> See Comments of Shure Incorporated in ET Docket No. 14-165 dated June 10, 2019.

licensees or eligible venues. Unfortunately, as the Academy and others have noted, many venues in the music and arts industries are not eligible for the Part 74 license as they do not meet the existing regulation threshold of routinely using 50 wireless devices. Additionally, in the 2017 FNPRM the Commission acknowledged that the 50 device threshold is arbitrary in nature and that smaller venues with demonstrated professional capabilities and needs for high-quality audio have as much need for a Part 74 license as a larger venue.<sup>4</sup> Therefore, prior to acting on the Microsoft petition, the Commission should finalize the FNPRM and act to protect unlicensed wireless microphones by expanding Part 74 license eligibility. In absence of that, then the Commission must err on the side of caution with respect to the petition in order to protect the wireless microphone users that are at particular risk in Microsoft's proposal.

Additionally, the Recording Academy has concerns over how Microsoft's petition to introduce a new class of narrowband White Space devices for IoT applications would potentially apply to less congested areas, where wireless microphones are more likely to be in use. While the Microsoft petition describes the promise of IoT benefitting agriculture, nothing in the petition would preclude the deployment of these new devices to urban areas.<sup>5</sup> Considering that urban expansion would significantly increase the likelihood of spectral interference, due to a higher density of performance spaces, the Commission should ensure that the entirety of the Microsoft proposal is confined to rural areas.

Lastly, the Recording Academy is troubled by recent reports that the White Space geolocation database is not currently operational.<sup>6</sup> A user's inability to successfully register

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<sup>4</sup> See Order on Reconsideration and Further Notice of Proposed Rulemaking in ET Docket No. 14-165, July 14 2017.

<sup>5</sup> See Comments of Sennheiser Electronic Corporation in ET Docket No. 14-165 dated June 10, 2019.

<sup>6</sup> See Comments of Shure Incorporated in ET Docket No. 14-165 dated June 10, 2019.

frequencies for protection renders the Part 74 license ineffective, and subjects all White Space users to disruption. Adding a bevy of new users and applications through Microsoft's petition would compound the problem. The Commission should make it a priority to address the effectiveness and operability of the White Space database prior to considering the Microsoft proposal.

### **III. Conclusion**

The Recording Academy appreciates the opportunity to submit these reply comments, and calls on the Commission to address the concerns raised by the Academy, wireless microphone manufacturers, and other performing arts groups prior to advancing the proposal and petition submitted by the Microsoft Corporation. The Academy urges the Commission to use the petition as a catalyst to finalize the 2017 FNPRM, to investigate the operability and effectiveness of the White Space database, and to deploy proper safeguards in the expansion of new technologies that bridge the rural broadband gap. The equitable usage of shared White Space remains a top priority of the Academy—it is our hope that the Commission will take wireless microphone usage into consideration as it weighs the Microsoft submission.

Respectfully Submitted,

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